

LMP:mf

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

HERIBERTO BARRON-BANUELOS

MJ-10-518 Jsm

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 12, 2010, in Stearns County, in the State and District of Minnesota, defendant

HERIBERTO BARRON-BANUELOS, a/k/a Alberto Barron-Banuelos, a/k/a Porfirio Cadena, a/k/a Felipe Garcia Lopez, a/k/a Marco Antonio Diaz,

an alien who had previously been removed from the United States subsequent to a conviction for an aggravated felony, namely, Controlled Substance Crime in the Second Degree, Sale, reentered and was found in the United States without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to reapply for admission to the United States,

in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

I further state that I am a Deportation Officer with Immigration and Customs Enforcement and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

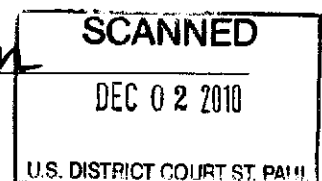
12/2/10  
Date  
The Honorable Janie S. Mayeron  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer

at

Dustin Halverson  
Signature of Complainant  
Dustin Halverson  
Immigration and Customs Enforcement

St. Paul, Minnesota  
City and State

Janie S. Mayeron  
Signature of Judicial Officer



**STATE OF MINNESOTA )**  
**) ss.**  
**COUNTY OF RAMSEY )**

**AFFIDAVIT OF Dustin Halverson**

Dustin Halverson, being duly sworn, deposes and states as follows:

1. I have been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since April 2007. In August 2009, I was promoted to Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about November 12, 2010, in Stearns County, in the State and District of Minnesota, Heriberto BARRON-Banuelos unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that BARRON-Banuelos's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code,

Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On November 12, 2010, BARRON-Banuelos was arrested in Stearns County, in the State and District of Minnesota, by members of the Cold Spring Police Department. BARRON-Banuelos was arrested for Driving after Cancellation, Failure to Provide Vehicle Insurance, and Display/Possession of a Fictitious Drivers License. BARRON-Banuelos had provided the arresting Cold Spring police officer an international driver's license identifying himself as Marco Antonio Diaz.
6. On November 13, 2010, BARRON-Banuelos was encountered in the Stearns County Jail by an ICE Immigration Enforcement Agent while performing Criminal Alien Program duties. BARRON-Banuelos was administratively interviewed to determine alienage and removability. BARRON-Banuelos admitted to having entered the United States without inspection or admittance. On November 13, 2010, an ICE hold was placed on BARRON-Banuelos. On November 16, 2010, BARRON-Banuelos was turned over to ICE custody.
7. On September 25, 2000, BARRON-Banuelos was convicted of the felony offense of Controlled Substance Crime in the Second Degree, Sale, in the Otter Tail County District Court, at Fergus Falls, Minnesota in violation of Minnesota Statute 152.022, Subdivision 1. On September 25, 2000, BARRON-Banuelos was sentenced to 46 months imprisonment.
8. On November 12, 2003, BARRON-Banuelos was convicted for the offense of Reentry of Removed Alien in the United States District Court, Southern District of

- Texas in violation of Title 8, United States Code, Sections 1326(a) and 1326(b). On November 12, 2003, BARRON-Banuelos was sentenced to 46 months imprisonment.
9. BARRON-Banuelos's immigration file indicates that he has been previously arrested and removed from the United States on at least two occasions. On December 5, 2002, BARRON-Banuelos was removed from the United States to Mexico at the Laredo, Texas port of entry. On December 18, 2006, BARRON-Banuelos was removed from the United States to Mexico at the El Paso, Texas port of entry.
  10. Law enforcement has confirmed through fingerprints and photographs contained in BARRON-Banuelos's criminal history and immigration file that the individual named Heriberto BARRON-Banuelos referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on November 12, 2010, by the Cold Spring Police Department.
  11. My investigation has revealed that BARRON-Banuelos is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.
  12. BARRON-Banuelos has admitted that since his removal from the United States on December 18, 2006, that he reentered the United States without applying for, nor receiving, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative. My investigation confirms that since his removal from the United States on December 18, 2006, BARRON-Banuelos has not applied for, nor received, permission to enter the United States from the Attorney General, his

successor, the Secretary of Homeland Security, or any other designated and authorized representative.

13. Based on these facts, I have reason to believe that Heriberto BARRON-Banuelos unlawfully reentered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

14. Further Your Affiant Sayeth Not.



Dustin Halverson, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 2d <sup>December</sup> day of ~~November~~, 2010.



United States Magistrate Judge